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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

KRUER, KEVIN R

ART UNIT PAPER NUMBER

1773

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,587

Applicant(s)

SHIVELY ET AL

Examiner

Kevin R Kruer

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings filed 4/5/2004 are accepted.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inauma et al (US 4,978,181) in view of Levchik et al (US 6,569,928) and Pengilly et al (US 4,185,046).

Inauma teaches a sunshade comprising a transparent substrate, a first and second base layers provided on either surface of the substrate (abstract). Said first and second base layers may comprise PET (col 3, line 8, and col 3, line 37), and are herein relied upon to read on the claimed "two polymeric film layers." The second base layer may have a light reflecting layer provided on the inside surface (col 3, line 44) thereon which partly transmits visible light (abstract). Said light reflecting layer (herein relied upon to read on the claimed "metallized layer") comprises an aluminum layer and transmits 50% or less visible light (col 3, lines 41). Said teaching is herein understood to be sufficiently specific to anticipate the claimed light transmittance in claims 2 and 3. The light-reflecting layer is adhered to the surface of the transparent substrate with an

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adhesive (col 3, line 45). The second base layer may be provided with a protective layer (abstract) that is herein relied upon to read on the claimed scratch resistant coating of claim 10. The laminate may further comprise a UV reflecting layer, herein relied upon to read on the claimed UV absorbing material.

Inauma does not teach that the polyester layers should comprise a fire retardant. However, Levchik teaches that resorcinol bis(diphenyl phosphate) may be added to polyester compositions in order to improve the fire retardency thereof (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add resorcinol bis(diphenyl phosphate) to the PET layers taught in Inauma. The motivation for doing so would have been to improve the sunshade's fire retardance.

Inauma also does not teach the claimed adhesive composition. However, Pengilly teaches a flame retardant adhesive to be utilized with polyethylene terephthalate films. The adhesive comprises a polyester adhesive and a flame retardant comprising a brominated based compound (col 1, lines 44-col 2, line 18). The fire retardant is included in amounts of 10-50wt% (col 2, lines 56+). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the adhesive taught in Pengilly as the adhesive of the laminate taught in Inauma. The motivation for doing so would have been to improve the flame retardance of the laminate.

The examiner takes the position that the claimed haze and light transmittance are inherent to the laminate taught in Inauma because said laminate comprises the same layers comprising the same compositions as the claimed laminate.

3. Claims 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inauma et al (US 4,978,181) in view of Levchik (US 6,569,928) and Pengilly et al (US 4,185,046), as applied to claims 1-16 above, and further in view of Fuchs et al (US 5,740,649).

Inauma in view of Pengilly and Levchik is relied upon as above, but does not teach that the sunshade may be perforated. However, Fuchs teaches that it is known in the art to make a foil "sound permeable" by making a multiplicity of small holes/perforations therein (col 5, lines 18+). The perforations may be spaced 1.2mm from each other (col 7, line 47). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to put micro-perforations into the sunshade taught in Inauma at a spacing of 1.2mm. The motivation for doing so would have been to make the sunshade sound absorbing.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inauma et al (US 4,978,181) in view of Levchik et al (US 6,569,928) and Pengilly et al (US 4,185,046), as applied to claims 1-16 above, and further in view of Jablonka et al (US 4,555,433).

Inauma in view of Pengilly and Levchik is relied upon as above, but does not teach that the sunshade should be formed with a plurality of adjacent cup shaped recesses arranged in the form of a grid. However, Jablonka teaches that forming a

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element with a plurality of adjacent cup shaped recesses arranged in the form of a grid makes said material sound deadening (abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the sunshade taught in Inauma with a plurality of adjacent cup shaped recesses arranged in the form of a grid. The motivation for doing so would have been to provide said sunshade with sound deadening properties.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer
Patent Examiner-Art Unit 1773